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October 14, 2009

Seth Ard  
Law Clerk to Honorable Shira Scheindlin  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation  
MDL No. 1358, Master File C.A. No. 1:00-1898 (SAS)  
This document relates to: *Brenda Abrahamson, et al. v. Amerada Hess Corporation, et al.* - 06 Civ. 3753 (USDC - WI, Eastern District)

Dear Mr. Ard:

Attached are an original and one copy of Plaintiff's Motion for Appointment and Substitution of General Guardian for Minor Plaintiff and Proposed Order regarding the above-referenced case. The same was filed via ECF, as well as served via LexisNexis. Please present to Judge Scheindlin for signature.

In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation Doc. 2864  
Should you have any questions, please do not hesitate to contact me.

Respectfully submitted,

M. Cristina Sanchez

MCS/sb

cc: All Counsel of Record (via LexisNexis)  
Encl.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**In Re: Methyl Tertiary Butyl Ether  
("MTBE") Products Liability Litigation**

**Master File No. 1:00-1898  
MDL No. 1358 (SAS)  
M21-88**

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**This Document Relates To:**

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*Brenda Abrahamson, et al. v.*

**MOTION FOR APPOINTMENT  
and SUBSTITUTION OF  
GENERAL GUARDIAN  
FOR MINOR PLAINTIFF**

*Amerada Hess Corporation, et al.  
06 Civ. 3753 (USDC - WI, Eastern District)*

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Minor Plaintiff Jonathon Barker ("Minor Plaintiff") hereby moves pursuant to Federal Rule of Civil Procedure 17(c) for an Order substituting general guardian of property in this action.

Minor Plaintiff appears through counsel, Baron & Budd P.C. states:

1. Minor Plaintiff previously filed a Motion for Karleen Barker, his biological mother, to be appointed as general guardian of property to fully protect Minor Plaintiff's interests. This Court signed an Order on March 5, 2008 appointing Mrs. Karleen Barker as the General Guardian for Minor Plaintiff.
2. In June 2009, Minor Plaintiff's General Guardian, Mrs. Karleen Barker, died. Minor Plaintiff now seeks the substitution appointment of his biological father, Mr. John Baker, as general guardian of property to continue to fully protect Minor Plaintiff's interests.

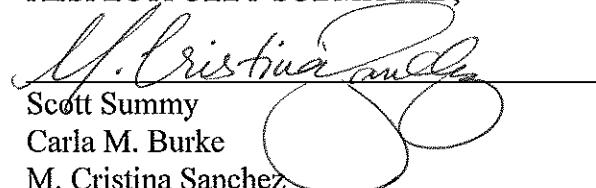
3. Minor Plaintiff is under the age of eighteen (18) years, residing in the County of Outgamie, State of Wisconsin, and is appearing through his parent, states:
- a. Minor Plaintiff's father, Mr. John Barker, is of full age and resides in the County of Outgamie, State of Wisconsin. Mr. John Barker is a competent and responsible person and is fully able to understand and assert Minor Plaintiff's rights in the pending action.
  - b. Mr. John Barker consents to be appointed general guardian of property to bring the action above referred to and have no interest adverse to that of his minor child;
  - c. Minor Plaintiff no longer has a duly qualified guardian or other representative qualified to represent Minor in this proceeding.

Wherefore, Minor Plaintiff prays that this Court appoint and substitute John Barker as General Guardian of Property to prosecute the action on behalf of the Minor Plaintiff.

Minor Plaintiff further prays for all orders and decrees necessary and for general and equitable relief.

Dated: October 14, 2009

RESPECTFULLY SUBMITTED,



\_\_\_\_\_  
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M. Cristina Sanchez  
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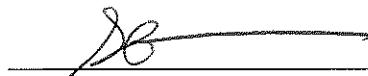
*Attorneys for Plaintiffs*

**DECLARATION OF SERVICE**

I, Sarah Baird, hereby declare under perjury of law that a true copy of the foregoing

**MOTION FOR APPOINTMENT AND SUBSTITUTION OF  
GENERAL GUARDIAN FOR MINOR PLAINTIFF**

was served via LexisNexis File & Serve in MDL No. 1358, and upon Peter J. Sacripanti in his capacity as liaison counsel in this matter; on this, the 14<sup>th</sup> day of October, 2009.



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SARAH BAIRD

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re: Methyl Tertiary Butyl Ether  
("MTBE") Products Liability Litigation

Master File No. 1:00-1898  
MDL No. 1358 (SAS)  
M21-88

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This Document Relates To:

----- X -----

*Brenda Abrahamson, et al. v.*

[PROPOSED] ORDER  
APPROVING MOTION FOR  
APPOINTMENT and  
SUBSTITUTION OF  
GENERAL GUARDIAN  
FOR MINOR PLAINTIFF

*Amerada Hess Corporation, et al.  
06 Civ. 3753 (USDC - WI, Eastern District)*

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The Court has considered the Motion for Appointment and Substitution of General Guardian for Minor Plaintiff, Jonathon Barker, seeking appointment and substitution of general guardian of property to represent the interests of Minor Plaintiff in the above-entitled action.

Therefore, the court finds:

1. that Minor Plaintiff, Jonathon Barker, is a minor under the age of 18 years and in need of a general guardian of property to represent the minor's interest in this pending action; and
2. that Mr. John Barker, father and parent of Minor Plaintiff, agrees to protect his minor's interest in prosecuting his claims in this pending action for damages as a result of injuries and/or damages from MTBE contamination sustained by the Minor Plaintiff.

WHEREFORE, it is ORDERED that John Barker is appointed General Guardian of Property of his minor child and is authorized to prosecute and/or resolve this action on behalf of Minor Plaintiff.

Dated \_\_\_\_\_, 2009.

SO ORDERED:

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The Honorable Shira A. Scheindlin